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Attorney for Plaintiff iCall, Inc.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ICALL, INC., a Delaware-incorporated
Corporation Licensed to do Business in
California,

Plaintiff,

vs.

JULIAN CAIN and ORCHID SEED, LLC,
a California Limited Liability Company,

Defendants.

Case No.: SACV 11-00895 JVS (ANx)

DECLARATION OF CHARLES
CARREON IN SUPPORT OF
PLAINTIFF'S CORRECTED MOTION
FOR ENTRY OF DEFAULT
JUDGMENT AND PERMANENT
INUNCTION AND IMPOUNDMENT
ORDER AGAINST DEFENDANTS

DECLARATION OF CHARLES CARREON

Charles Carreon declares:

1. I am a member of the bar of the State of California, admitted to practice in all state and federal courts of the State of California, and the attorney of record for iCall, Inc. I make this declaration in support of iCall's Corrected Motion for Entry of Default Judgment and Permanent Injunction and Impoundment Order Against Defendants from personal knowledge, and based upon an informed review of relevant documents, and if called as a witness, I could and would so competently testify.
2. The defendants in this action are Julian Cain ("Cain") and the California limited liability company of which he is the owner and manger, Orchid Seed, LLC (jointly herein "Defendants").

COMPLIANCE WITH LOCAL RULE 55-1

3. Pursuant to Local Rule 55-1, the following averments are made:

4. Default was entered on September 29, 2011 against defendant Julian Cain and defendant Orchid Seed, LLC. (Docket # 38.)

5. Default was entered on the original Complaint filed June 15, 2011 (Docket # 1). The Complaint has not been amended.

6. Defendant Cain is not an infant or incompetent person. Orchid Seed, LLC is not a natural person, and accordingly cannot be an infant or incompetent person. Accordingly, neither of the Defendants is an infant or incompetent person, and neither of the Defendants is subject to the protections of F.R.Civ.P. 55(b)(1).

7. Cain is not a member of the active duty services of the United States military. Orchid Seed, LLC is not a natural person, and accordingly cannot be a member of the United States military, nor can it be an infant or an incompetent person. Accordingly, neither of the Defendants is a "person in military service" within the meaning of 50 U.S.C. § 520, the Soldiers and Sailor's Civil Relief Act, and neither of the Defendants is subject to the provisions for relief from defaults provided therein.

8. Notice has been served on both defaulting parties, because although not required under F.R.Civ.P. 55(b)(2), it is required under paragraph 7 of this Court's Ex Parte Order Directing Preservation of Evidence and Granting Plaintiff iCall, Inc.'s Ex Parte Application for Expedited Discovery (Docket # 13).

9. Cain resides in Canton, Georgia. Cain is the incorporator of co-defendant Orchid Seed, LLC, a California limited liability company with a record address of 7211 Capobella, Aliso Viejo, California 92656. Cain is the designated agent for service of process for Orchid Seed, LLC, with the same record address in the California Secretary of State records. I named Orchid Seed, LLC as Cain's co-defendant to be certain that injunctive relief obtained herein would bind Cain's corporate entity.

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ATTEMPT TO MEET AND CONFER

10. I called Cain at his mobile telephone number of 678-447-4333 today at 5:13 p.m. PST. His voicemail answered, and I left a message advising that I was filing this motion and to please call me back. This was the first time I have ever been able to leave a voicemail for Cain. During the last two weeks, I have previously called him -- three times on September 22, 2011 and five times on September 16, 2011 -- and was never able to speak with him or leave a voicemail. Accordingly, I have not been able to communicate with him about the substance of this motion.

I hereby declare, pursuant to the provisions of 28 U.S.C. § 1746 (2), under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct, and that this declaration was executed on this 29th day of September, 2011 at Tucson, Arizona.

s/Charles Carreon
Charles Carreon

PROOF OF SERVICE

I am a citizen of the United States with a business address of 2165 S. Avenida Planeta. I am over the age of 18 years, and not a party to the within action. I declare that, on the date subscribed below, I served the following document described as

PLAINTIFF'S CORRECTED MOTION FOR ENTRY OF DEFAULT JUDGMENT
AND PERMANENT INJUNCTION AND IMPOUNDMENT ORDER

upon the defendant herein by the method(s) described below:

Julian Cain
[REDACTED per General Order 10-07]
Canton, GA 30115-8137

julian@junglecat.org

- ☒ by email to the above-referenced email address
- ☐ by personal delivery to the above-referenced addresses
- ☒ by placing the same in envelopes addressed to the above recipient, U.S. Priority Mail, with postage fully prepaid, deposited into an official mailbox located in Tucson, Arizona.
- ☐ by Federal Express for overnight delivery.

Executed at Tucson, Arizona, on September 29, 2011.



Digitally signed by Charles H. Carreon
DN: cn=Charles H. Carreon, o=Online
Media Law, PLLC, ou=Law Firm,
email=chas@charlescarreon.com,
c=US
Date: 2011.09.29 18:41:57 -07'00'

CHARLES CARREON